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09/557,153	04/24/2000	Charles C. Brackett	15UL-5584	7268

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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/557,153

Applicant(s)

BRACKETT, CHARLES C.

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the After-Final filed 06/15/04. Claims 1-18 and 31-35 have been cancelled. Claims 19-30 are pending.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-30 are rejected under U.S.C. 103 (a) as being unpatentable over Campbell et al (6,208,974) in view of Brimm et al (5,077,666).

(A) As per claim 19, Campbell discloses an imaging system comprising:  
an operator interface for enabling an operator to input selections to said system (Col.5, lines 21-25); a display screen (Col.5, lines 30-34); a control platform for controlling said

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display screen to display a first screen comprising a Patient's Name field for displaying a patient's name and an Exam Description field for displaying an exam description in response to a first selection input by the operator via said operator interface (See Col.13, lines 1-36); an exam list manager for controlling said display screen to display a second screen in place of said first screen in response to a second selection input by the operator via said operator interface, said second screen comprising a multiplicity of Exam Description fields in list format for displaying a corresponding multiplicity of exam descriptions in a stored linked list of exam descriptions arranged in alphabetic order Col.13, lines 1-57), an Edit field in which the operator can enter an exam description to be added to said linked list, and a first activation zone for activating the insertion in alphabetic order of the exam description in said Edit field to said displayed list of exam descriptions in response to clicking on said first activation zone via said operator interface (Col.28, lines 22-36).

Campbell does not explicitly disclose wherein said control platform further controls said display screen to display an updated version of said first screen in place of said second screen in response to selection of one of said exam descriptions displayed on said second screen via said operator interface followed by a third selection input by the operator via said operator interface, said Exam Description field of said updated version of said first screen displaying said selected exam description.

However, these features are known in the art, as evidenced by Brimm. In particular, Brimm suggests wherein said control platform further controls said display screen to display an updated version of said first screen in place of said second screen

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in response to selection of one of said exam descriptions displayed on said second screen via said operator interface followed by a third selection input by the operator via said operator interface, said Exam Description field of said updated version of said first screen displaying said selected exam description (See Brimm, Col.3, lines 31-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Brimm within the system of Campbell with the motivation of providing a system electronically which emulates the existing hospital forms on the screen display and provides easily accessible commands within the context of the form to let the user manipulate and review the information on such forms (See Brimm, Col.3, lines 10-14).

(B) As per claim 20, Campbell discloses the system further comprising a hard disk and means for writing said linked list to said hard disk (See Col.4, lines 52-67 to Col.5, line 12).

(C) As per claim 21, Campbell discloses the system wherein said exam list manager further controls said display screen to display a second activation zone for activating the deletion of the exam description in said Edit field from said displayed list of exam descriptions in response to clicking on said second activation zone via said operator interface (Campbell, Col.28, lines 22-36).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claim 19, and incorporated herein.

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(D) As per claim 22, Campbell discloses the system wherein said exam list manager further controls said display screen to display a third activation zone for activating the deletion of all exam descriptions in said displayed list in response to clicking on said third activation zone via said operator interface (Campbell, Col.16, lines 24-49).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claim 19, and incorporated herein.

(E) As per claim 23, Campbell discloses the system further comprising: a networking port for communicating with a remote device on a network (Col.7, lines 29-46); an image acquisition subsystem for acquiring frames of image data (Col.5, lines 1-34); memory storing acquired frames of image data in respective image files (Col.5, lines 1-34); an object constructing task for constructing a data object comprising a frame of image data from one of said image files and said selected exam description (Col.7, lines 59-67; Col.9, lines 31-45); and a network manager for transferring said data object from said object constructing task to said networking port destined for said remote device (Col.5, lines 39-51).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claim 19, and incorporated herein.

(F) As per claim 24, Campbell discloses the system further comprising an image acquisition subsystem for acquiring frames of image data, said image acquisition

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subsystem comprising an ultrasound transducer array (The Examiner interprets surgery and treatment area in the hospital to have an ultrasound transducer array See Campbell, Col.8, lines 20-28).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claim 19, and incorporated herein.

(G) As per claim 25, Campbell discloses an imaging system comprising:  
an operator interface for enabling an operator to input selections to said system (Col.5, lines 21-25); a display screen (Col.5, line 30); and a computer programmed to perform the following steps: (a) controlling said display screen to display a first screen comprising a Patient's Name field for displaying a patient's name and an Exam Description field for displaying an exam description in response to a first selection input by the operator via said operator interface (See Campbell, Col.13, lines 1-36);  
(b) controlling said display screen to display a screen in place of said first screen selection input by the operator via said second screen comprising a Description fields in list format corresponding multiplicity of exam descriptions in a linked list of exam descriptions arranged an Edit field in which the operator description to be added to said linked list, and a first activation zone for activating the insertion in alphabetic order, second in response to a second said operator interface, multiplicity of, Exam for displaying a stored in alphabetic order, can enter an exam order of the exam description in said Edit field to said displayed list of exam descriptions in response to clicking on said first activation zone via said operator interface (Col.28, lines 22-36).

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Campbell does not explicitly disclose controlling said display screen to display an updated in place of said second screen in of said exam descriptions via said operator interface input by the operator via said Exam Description field of said updated displaying said selected exam version of said first screen response to selection of one displayed on said second screen followed by a third selection operator interface, said version of said first screen description.

However, these features are known in the art, as evidenced by Brimm. In particular, Brimm suggests controlling said display screen to display an updated in place of said second screen in of said exam descriptions via said operator interface input by the operator via said Exam Description field of said updated displaying said selected exam version of said first screen response to selection of one displayed on said second screen followed by a third selection operator interface, said version of said first screen description (See Brimm, Col.3, lines 31-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Brimm within the system of Campbell with the motivation of providing a system electronically which emulates the existing hospital forms on the screen display and provides easily accessible commands within the context of the form to let the user manipulate and review the information on such forms (See Brimm, Col.3, lines 10-14).

(H) As per claim 26, Campbell discloses the system, further comprising a hard disk, said computer being further programmed to write said linked list to said hard disk in



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response to Save command input via said operator interface (See Campbell, Col.4, lines 52-67 to Col.5, line 12).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claims 19 and 25, and incorporated herein.

(I) As per claim 27, Campbell discloses the system wherein said computer is further programmed to control said display screen to display a second activation zone for activating the deletion of the exam description in said Edit field from said displayed list of exam descriptions in response to clicking on said second activation zone via said operator interface (See Campbell Col.7, lines 59-67).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claims 19 and 25, and incorporated herein.

(J) As per claim 28, Brimm discloses the system wherein said computer is further programmed to control said display screen to display a third activation zone for activating the deletion in said displayed list in response to activation zone via said operator of all exam descriptions clicking on said third interface (See Brimm Col.7, lines 2-33).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claims 19 and 25, and incorporated herein.

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(K) As per claim 29, Campbell discloses the system further comprising a networking port for communicating with a remote device on a network (Col.7, lines 29-46), and an image acquisition subsystem for acquiring frames of image data, wherein said computer is further programmed with: an object constructing task for constructing a data object comprising an acquired frame of image data and said selected description (Col.5, lines 1-34); and a network manager for transferring said data object from said object constructing task to said networking port destined for said remote device (Col.5, lines 39-51).

The motivation for combining the respective teachings of Campbell and Brimm are as discussed above in the rejection of claims 19 and 25, and incorporated herein.

(L) As per claim 30, Campbell discloses the system further comprising an ultrasound transducer array controlled by an image acquisition subsystem for acquiring frames of image data, said image acquisition subsystem in turn being controlled by said computer (The Examiner interprets surgery and treatment area in the hospital to be a pathway of having an ultrasound transducer See Campbell, Col.8, lines 20-28).

#### Response to Arguments

5. Applicant's arguments with respect to claims 19-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with regard to the teachings of Teshima and Koritzinsky are moot, as these references are not applied against the pending claims. Rather, it is

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the collective teachings of Campbell and Brimm that obviate the presently pending claims.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches an electronic medical records system (5,924,074), peripheral ultrasound imaging system (6,440,071), computer-based medical image distribution system and method (6,260,021), graphical computer system and method for appointment scheduling (5,970,466), interactive method and system for managing physical exams, diagnosis and treatment protocols in a health care practice (6,047,259) and system and method for managing patient medical records (5,772,585).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30 am-5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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V.F

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July 29, 2004

